

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

AIMEE L. WINTERS,

Plaintiff,

v.

CAPITAL ONE BANK,

Defendant.

Civil Action No. 4:11-cv-91 AWA/TEM

**DEFENDANT CAPITAL ONE BANK (USA), N.A.'S MEMORANDUM IN SUPPORT OF
MOTION FOR EXTENSION OF TIME TO FILE
A RESPONSE TO COMPLAINT**

Defendant Capital One Bank (USA), N.A., improperly identified in the Complaint as Capital One Bank ("Capital One"), by counsel, states as follows in support of its Motion for Extension of Time to File a Response to the Complaint:

1. Plaintiff filed the Complaint on June 2, 2011.
2. Capital One was served on June 20, 2011.
3. After service, Capital One engaged in discussions with Plaintiff's counsel in an attempt to resolve this matter without having to retain counsel.
4. On July 26, 2011, because of the ongoing factual investigation and settlement discussions, Plaintiff's counsel filed a motion for extension of time to respond to the Complaint on Capital One's behalf, which was granted on July 27, 2011.
5. On August 5, 2011, Capital One retained counsel to represent it. As such, counsel requests more time to investigate and address the allegations made in the Complaint. Counsel

for Capital One has contacted opposing counsel and confirmed that Plaintiff consents to extend the due date for Capital One's responsive pleading to September 14, 2011.

6. Plaintiff will not suffer any prejudice from the Court's grant of additional time for Capital One to respond.

7. The interests of justice will be served by the granting of the requested Motion.

8. Capital One waives hearing on this Motion.

9. Capital One has filed a Proposed Order granting its Motion for Extension of Time and respectfully requests that the Court enter such Order.

WHEREFORE, for the foregoing reasons, Capital One respectfully requests that this Court grant its Motion for Extension of Time and order that Capital One's time for filing its response to Plaintiff's Complaint be extended to September 14, 2011.

August 11, 2011

Respectfully submitted,

CAPITAL ONE BANK (USA), N.A.

By Counsel

/s/
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*Counsel for Defendant Capital One Bank
(USA), N.A.*

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2011, a true copy of the foregoing was filed using the Court's CM/ECF system, which will send electronic notice of such filing to:

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/s/_____
Evan Elizabeth Miller